

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

HARRY CHESSHIER

Spiral notebook

## **Plaintiff,**

**CIVIL ACTION NO. \_\_\_\_\_**

VS

ss ss ss ss ss

# **XL SPECIALTY INSURANCE COMPANY**

ss ss ss ss ss

## **Defendant.**

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**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332 and 1441, Defendant, XL Specialty Insurance Company (“Defendant”), hereby gives notice that the above-captioned action pending in the 163<sup>rd</sup> Judicial District Court of Orange County, Texas is hereby removed to the United States District Court for the Eastern District of Texas – Beaumont Division. In support of removal, Defendant states the following:

## **STATE COURT ACTION**

1. On or about September 14, 2016, Plaintiff, Harry Chessher (“Plaintiff”), filed an action against Defendant in the 163<sup>rd</sup> Judicial District Court of Orange County, Texas styled *Harry Chessher v. XL Specialty Insurance Company* with Cause Number B160275-C (the “State Court Action”). A copy of Plaintiff’s Original Petition filed in the State Court Action is attached herein as **Exhibit A**.
2. No responsive pleadings have been filed by Defendant in the State Court Action, and Defendant will timely file its Answer to Plaintiff’s Original Petition with this Court in compliance with FED. R. CIV. P. 81(c).

**JURISDICTIONAL BASIS FOR REMOVAL**

3. On information and belief, Plaintiff resides in Orange County, Texas and is a citizen of the State of Texas.
4. Defendant is a foreign corporation organized under the laws of the State of Delaware, with its principal place of business in Stamford, Connecticut.
5. Plaintiff alleges that the amount in controversy is in excess of \$200,000.
6. This Court has original jurisdiction over this case pursuant to 28 U.S.C. §§ 1332 and 1441(a).

**VENUE IS PROPER IN THIS COURT**

7. The United States District Court for the Eastern District of Texas – Beaumont Division embraces the county in which the State Court Action was filed. Accordingly, this case is properly removed to this Court under 28 U.S.C. § 1446(a).

**REMOVAL IS TIMELY**

8. Defendant first received a copy of the Original Petition when it was served on September 20, 2016. This Notice of Removal is thus filed within 30 days of the first receipt of the initial pleading setting forth the claim for relief upon which this proceeding is based.

**OTHER MATTERS**

9. Written notice of the filing of this Notice of Removal will be given to all adverse parties, as required by the provisions of 28 U.S.C. § 1446(d).
10. A true and correct copy of this Notice of Removal will be filed with the District Clerk for the 163<sup>rd</sup> Judicial District Court of Orange County, Texas, as required by the provisions of 28 U.S.C. § 1446(d).

11. Pursuant to 28 U.S.C. § 1446(a) and Local Rule CV-81, copies of all process, pleadings, and orders signed by the state judge (if any), a copy of the docket sheet, a complete list of all counsel of record, together with an index of such documents are attached hereto collectively as **Exhibit B**.

WHEREFORE, Defendant, XL Specialty Insurance Company, hereby removes this action to the United States District Court for the Eastern District of Texas – Beaumont Division.

Respectfully submitted,

**CHAFFE McCALL, L.L.P.**

*/s/ Ivan M. Rodriguez*  
**IVAN M. RODRIGUEZ**  
**Attorney in Charge**  
State Bar No.: 24058977  
Federal Bar No. 4566982  
Email: [rodriguez@chaffe.com](mailto:rodriguez@chaffe.com)  
801 Travis Street, Suite 1910  
Houston, Texas 77002  
Telephone: (713) 546-9800  
Facsimile: (713) 546-9806

**ATTORNEY FOR DEFENDANT,  
XL SPECIALTY INSURANCE  
COMPANY**

**OF COUNSEL:**

**CHAFFE McCALL, L.L.P.**

**LISA M. KAUFMANN**  
State Bar No.: 24072841  
Federal Bar No.: 1708528  
Email: [kaufmann@chaffe.com](mailto:kaufmann@chaffe.com)  
801 Travis Street, Suite 1910  
Houston, Texas 77002  
Telephone: (713) 546-9800  
Facsimile: (713) 546-9806

**ATTORNEY FOR DEFENDANT,  
XL SPECIALTY INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of October, 2016, a true and correct copy of the foregoing document was forwarded to all counsel of record in accordance with the Federal Rules of Civil Procedure, as follows:

David Bernsen  
Cade Bernsen  
THE BERNSEN LAW FIRM  
420 MLK Jr. Parkway  
Beaumont, Texas 77701

*Via Facsimile to: 409-212-9411*

/s/ Ivan M. Rodriguez  
IVAN M. RODRIGUEZ